

Minutes of Land Use, Parks and Environment Committee

Tuesday, May 15, 2012

Chair Jim Heinrich called the meeting to order at 8:30 a.m. and led the Committee in the Pledge of Allegiance.

Committee Present: Supervisors Jim Heinrich (Chair), Jim Batzko, Walter Kolb, Pamela Meyer, Fritz Ruf and Tom Schellinger. **Absent:** Supervisor Peter Wolff.

Also Present: Legislative Policy Advisor Sarah Spaeth, Legislative Associate Karen Phillips, Planning and Zoning Manager Jason Fruth, Park System Manager Duane Grimm, Senior Civil Engineer Leif Hauge, Land Information Systems Manager Don Dittmar, Land Resources Manager Perry Lindquist, Senior Financial Analyst Clara Daniels, Humane Animal Welfare Society (HAWS) Executive Director Lynn Olenik, Andrew Braatz of Gerald Nell Inc. and Parks and Land Use Director Dale Shaver.

County Board Chairman Decker welcomed the committee members and wished them luck during their terms as county board supervisors over the next two years.

Executive Committee Report

Heinrich summarized the items discussed at the executive committee meeting of May 14, 2012:

- During the legislative update, Spaeth indicated that the legislature is currently not in session; however, there are study committees operating, including one on long term funding of 9-1-1.
- Dave Falstad was elected executive committee secretary.
- Three appointments were approved unanimously.
- Discussion of the county board chair, county board vice chairs and executive committee members' roles, responsibilities and compensation.
- Informational presentation on the Wisconsin River Rail Transit Commission and Wisconsin and Southern Railroad.
- Committee reports

Future Meeting Date

- June 19, 2012

Correspondence

- Letter to Jason Fruth from Towns of Genesee, Oconomowoc and Vernon chairmen regarding intent to adopt their own zoning codes (dated 4/20/12)

Committee Welcome and Opening Remarks by Chair Heinrich

Heinrich welcomed the committee members. He reminded the committee member to please contact him or county board staff when unable to attend a meeting to insure a quorum would be present.

Nomination and Election of Vice Chair and Committee Secretary

MOTION: Schellinger moved, second by Batzko, to elect Kolb vice chair of the Land Use, Parks and Environment Committee. Motion carried 6-0.

MOTION: Schellinger moved, second by Kolb, to elect Meyer secretary of the Land Use, Parks and Environment Committee. Motion carried 6-0.

Committee Duties and Responsibilities as Contained in the Code of Ordinances

Spaeth briefly reviewed the duties and general responsibilities of the Land Use, Parks, and Environment Committee as outlined in Chapter 4 of the Waukesha County Code.

Ordinance 167-O-001: Amend The Text Of The Town Of Delafield Zoning Code To Create Sections To Allow For The Keeping Of Chickens And Repeal Sections Relative To Non-Residential Structures Used Solely In Conjunction With The Raising Of Water Fowl, Minnows, And Other Similar Lowland Animals, Fowl Or Fish (ZT-1731)

Fruth discussed this ordinance which approves a text amendment to the Town of Delafield zoning code by creating sections regarding the keeping of chickens in residential zoning districts as follows:

- No more than eight chickens per lot would be allowed; roosters are prohibited (In comparison, the county code restricts the keeping of chickens to 3-acre properties or larger, allowing 20 chickens on 3-acre parcels and 20 more for each additional acre.)
- An annual license would be required
- Chickens must be kept in chicken coops/runs
- Requirement that coops/runs meet double the required offset and setback requirements of the code, or maximum distance as feasible
- No commercial activity, no sale of eggs

The provisions were crafted by the Town in order to safeguard against excessive noise, odor, and free-roaming chickens. The several zoning districts which are being modified by this ordinance range from ½ - 1 ½ acre lot sizes. Planning and Zoning Division staff will offer some recommendations to the Town for further code refinement with regard to setback requirements “as feasible” and the appropriate number of chickens allowed for smaller and larger parcels. Fruth added that the consensus of the Park and Planning Commission was that the Town’s proposed text amendment was a good start and could be modified in the future if necessary. Planning and Zoning staff recommended this ordinance be approved as presented.

MOTION: Ruf moved, second by Kolb, to approve Ordinance 167-O-001.

Meyer asked if there would be a fee for the permit. Fruth stated that information was not indicated in the ordinance. Heinrich asked why Supervisor Haukohl voted against this proposal at the Park and Planning Commission level. Fruth stated he thought it was a concern whether 8 chickens is appropriate on smaller lots of ½-acre size or less.

Motion carried 6-0

Ordinance 167-O-002: Amend The District Zoning Map Of The Town Of Brookfield Zoning Code By Rezoning Certain Lands Located In Part Of The SW ¼ Of Section 28, T7N, R20E, Town Of Brookfield, Waukesha County, Wisconsin, From The RM-2 Multi-Family Residential District To The RM-2 Multi-Family Residential District With A Planned Unit Development Overlay District (ZT-1730)

Fruth discussed this ordinance which approves the rezoning of a 1.15-acre parcel on the southwest corner of Woelfel Road and Wisconsin Avenue in the Town of Brookfield for a 20-bed residential care facility for individuals with Alzheimer's disease or dementia. The land is currently undeveloped and is surrounded by a mix of land uses including an assisted living facility, church, residential condominiums and small utility company office. The Southeastern Wisconsin Regional Planning Commission (SEWRPC) has indicated that this type of facility is appropriate for the RM-2 medium density land use category.

The county was concerned about the potential high groundwater conditions on this site; however, the petitioner and Town planner have indicated there is no basement proposed. Although the project does not require a storm water facility, the petitioner is proposing a detention pond in the northeast corner of the site which would prevent storm water from contaminating groundwater, as this is an area that contributes to the Underwood Creek system to the east. There is a cooperative agreement between the Town and City of Brookfield for review of projects on this stretch of Wisconsin Avenue. Planning and Zoning staff recommended approval of this rezone request.

MOTION: Schellinger moved, second by Ruf, to approve Ordinance 167-O-002.

Heinrich asked Fruth whether the City of Brookfield had any reaction to this proposal. Fruth stated the City provided some comment on the storm water issue relative to the aforementioned cooperative agreement. There was no record in the Town's meeting minutes to indicate any formal opposition from the City.

Motion carried: 6-0

Ordinance 167-O-003: Amend The Waukesha County Shoreland And Floodland Protection Ordinance Of The Town Of Oconomowoc By Conditionally Rezoning Certain Lands Located In Part Of The SW ¼ And SE ¼ Of Section 14, T8N, R17E, Town Of Oconomowoc, Waukesha County, Wisconsin, From The A-P Agricultural Land Preservation District To The P-I Public And Institutional And A-1 Agricultural Districts (SZ-1724)

Fruth noted the subject 53-acre property is located on the east side of Highway P (Brown Street), across from the intersection of Ashippun Shores Drive and Brown Street, and borders Angels Grace Hospice. The proposed zoning amendment would change the present zoning of A-P Agriculture Land Preservation District to P-I Public and Institutional District (48-acres) and A-1 Agricultural District (5-acres). The petitioner had donated land some years ago for the Angels Grace Hospice, and is now proposing to donate significant acreage for a proposed respite facility for children/young adults with severe disabilities. Originally the petitioner requested that the westerly 5-acre parcel be rezoned to the P-I Public and Institutional District for a possible future church/church incubator site, but did not submit detailed site plans. Consequently, Town of Oconomowoc Board opposed the five-acre parcel rezone to the P-I District, and instead opted for the 5-acre parcel to remain in agricultural use and maintain the rural setting. The petitioner agreed as his priority is the respite facility which will be built on the larger parcel.

Fruth displayed an artist's rendering of the site plan for the proposed respite facility, which includes a pavilion to provide shelter for special events, guest cottages for families, ponds, ADA accessible paths, etc. The county development plan shows the land in the P-I district and is appropriate for this use. Planning and Zoning Division staff recommend approval of the rezone request, inclusive of the Town's

conditions, as outlined in the staff report. Conditions of approval include: the facility must be in operation within three years from the date of the county board approval of the rezone or the property reverts back to the A-P District; a certified survey map (CSM) be prepared and approved by the Town and the Planning and Zoning Division Staff prior to the issuance of any zoning or building permits; a landscape plan must be submitted to the Town for review prior to the issuance of any permits; impervious surfaces including rooftops and parking areas may not cover more than 30% of the site.

MOTION: Ruf moved, second by Schellinger, to approve Ordinance 167-O-003. Motion carried 6-0.

Discuss and Consider Request for an Amendment to Section 6 of the Declaration of Covenants for Waukesha Airport Park Pertaining to Side Yard Setback

Fruth discussed this request from the Humane Animal Welfare Society (HAWS) of Waukesha County for an amendment to the Declarations of Covenants for Waukesha Airport Park. HAWS is proposing to construct a 1500 square foot addition to their animal shelter facility located within Waukesha Airport Park in the City of Waukesha. The requested amendment to the covenants would allow for a 10-foot side yard offset for the HAWS parcel rather than the 25-foot offset that is currently required. The 10-foot offset would be consistent with the City of Waukesha zoning code.

Fruth further explained that any modification/amendment of the covenants requires written consent of 2/3 of the land owners. HAWS has obtained the consent of 13 land owners that hold 41.5% of the business park acreage. HAWS is requesting Waukesha County's consent, as owner of 30.9% of the business park acreage. With the county's consent, the amendment would have support of 72.4% of the business park land area owners, which exceeds the required 2/3 owners' consent threshold.

Planning and Zoning Division staff recommended this request be approved on the condition that the amendment document drafted by staff be recorded by HAWS in the Register of Deeds Office prior to the issuance of a building permit. In addition, Planning and Zoning staff must review and approve all site plan details for the proposed addition prior to the start of construction.

MOTION: Schellinger moved, second by Ruf, to approve the amendment to Section 6 of the Declaration of Covenants for Waukesha Airport Park pertaining to side yard setback. Motion carried 6-0.

Ordinance 167-O-004: Approve Wisconsin Energy Utility Easement For Menomonee Park Picnic Pavilion #3

Grimm presented this ordinance which approves an underground electric distribution easement for Wisconsin Electric Power Company to supply and maintain electric power to Menomonee Park Picnic Pavilion #3.

Waukesha County upgraded Menomonee Park Picnic Area #3 from a shelter with no electricity to a pavilion with electrical service and restrooms.

MOTION: Schellinger moved, second by Ruf, to approve Ordinance 167-O-004. Motion carried 6-0.

Ordinance 167-O-005: Accept And Appropriate Southeastern Wisconsin Fox River Commission Cost-Share Agreement For Mill Creek Gully Erosion

Grimm and Hauge were present to discuss this ordinance which approves a cost-share agreement with the Southeastern Wisconsin Fox River Commission for the purpose of repairing an eroded Mill Creek tributary.

Grimm explained that Waukesha County owns and maintains the Mill Creek Greenway associated with the Mill Creek Subdivision in the Town of Waukesha. A tributary of the Mill Creek severely eroded due to the excessive amount of water that came through a culvert, blasting through the area during the summer of 2010. The elevation of the house and driveway of the neighbor to the east is considerably higher than the creek. The severe erosion of the county's property has the potential to harm the property of this neighbor if erosion control measures are not implemented. The Southeastern Wisconsin Fox River commission has agreed to cost-share with the county for gully repair at a 67:33 ratio. The maximum estimated cost for the project is \$30,000 (\$20,000 commission cost/\$10,000 county cost).

Hauge further described the area topography and provided further details of the events which led to the erosion of the gully with the aid of photographs of the subject properties. Following a heavy rainstorm, the water rushed through the culvert at approximately 150 cubic feet per second, filling the gully with 2-3 feet of water. The bank has eroded to a point of being almost vertical. If nothing is done to mitigate the situation, the bank would continue to slump down and the neighbor would eventually lose part of their driveway. The erosion is presently inches from the property line.

Hauge outlined the plan to put in a riprap drainage-way at a depth of 2-feet, making a channelized cross-section so that water would be contained within the riprap even during a heavy rainstorm. The area would be further stabilized with fill and sandbags against the bank to prevent any slump, and plants would be planted to tie the soil together.

Heinrich asked what exactly is riprap? Hauge explained that riprap is basically stones, 4 inches to small boulder size. In this case it would be 1-foot diameter limestone rocks from the local quarries. The large angular stone locks in place and withstands the force of rushing water.

MOTION: Schellinger moved, second by Kolb, to approve Ordinance 167-O-005.

Meyer asked whether this effort would solve the problem or does something need to be done with the surrounding 200 acres to mitigate the runoff. Is this just a band-aid? Hauge stated this project is a permanent fix, as far as can be foreseen. The upstream areas are agricultural, low density residential and a significant amount of woods and wetlands. There is not much that needs to be done in those areas.

Batzko asked how the \$30,000 cost was determined and if there is any contingency for cost overrun. Hauge stated the single main cost is the riprap – about 200 cubic yards at \$30+ per ton. Other cost data was obtained from the Department of Public Works for the earth moving and the bank stabilization. It is not a precise estimate, but it is close. If there is cost overrun, Public Works staff would be utilized to complete the work if necessary. Grimm stated whether the project is bid out or county staff is utilized, he is confident that the project should be able to be done within budget.

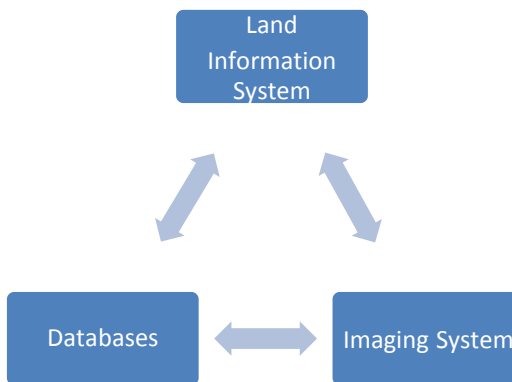
Motion carried 6-0.

GIS System Overview and Department Automation Strategy

Dittmar explained that the presentation would demonstrate the automation strategy that the Department of Parks and Land Use (PLU) has implemented to improve operations and efficiencies through collaboration and cooperation. He briefly reviewed the history of the Land Information Systems (LIS)

Division, which was created in 1994. The division is predominately funded through a \$10 per document fee for each document filed in the Register of Deeds Office. The mission of the LIS Division is to create and maintain the core of the foundational special elements as outlined in the Land Information Plan, and provide access to those elements. LIS Division also works with other county departments and divisions with spatial data, and assists with the implementation of the Department of Parks and Land Use automation plan.

Dittmar further explained the basis of the department automation plan as a triangle:



The databases are maintained by entering information needed for recording, viewing, queries, etc. The imaging system stores information/images that link to the databases. The LIS contains a geographic information system (GIS) that manages all digital land information and is integrated into the workflow of the Land Information Division, and likewise links to both the databases and the imaging system.

Dittmar continued with a demonstration of the LIS website functions, showing the foundational elements (survey control system, public land survey system, etc.) and how using those elements relate to other PLU divisions in implementation of the automation plan.

Presentation on the Stormwater Database

Lindquist stated the storm water database automation process began in 2004 to increase efficiencies in workflow of the permitting process. The database is made of three main components: financial assurance tracking, permit/project tracking, and best management practice (BMP). Lindquist demonstrated how the automation triangle was completed by linking the LIS, imaging, and storm water database components.

Lindquist continued with a PowerPoint presentation titled “Waukesha County Storm Water BMP Tracking Database”. He reviewed the types of BMPs that are tracked, how to view BMP data through GIS and the database, enter data through the database, and access the various reports for tracked projects/permits.

Appoint LUPE representative to the Southeast Area Land and Water Conservation Association Board of Directors

Lindquist stated he has been working with the Wisconsin Land and Water Conservation Association (WLWCA) for the past year and a half. WLWCA and Wisconsin Association of Land Conservation Employees (WALCE) have recently merged and are going through a reorganization process to create a

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new board of directors. Lindquist asked for a representative of the LUPE Committee (and one alternate) be appointed to serve on the Southeast Area Land and Water Conservation Association Board of Directors.

MOTION: Heinrich moved, second by Batzko to appoint Meyer as the LUPE representative and Ruf as an alternate representative on the Southeast Area Land and Water Conservation Association Board of Directors. Motion carried 6-0.

MOTION: Ruf moved, second by Meyer, to adjourn at 10:51 a.m.
Motion carried

Respectfully submitted,

Pamela Meyer
Secretary